# **EXHIBIT 1**

# IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHILIP GODLEWSKI, :

Plaintiff,

:

v. : 3:24-CV-00344-JKM

Judge Julia K. Munley

EDUARDO NICOLAS ALVEAR

GONZALEZ a/k/a ALVEAR GONZALEZ : EDUARDO NICOLAS a/k/a NICOLAS : ALVEAR, and GOOD LION TV, LLC, :

Defendant.

### AFFIDAVIT OF MILITARY/NONMILITARY SERVICE

I, Timothy A. Bowers, JD, the undersigned affiant, state the following under oath:

Defendant Eduardo Nicolas Alvear Gonzalez a/k/a Alvear Gonzalez Eduardo Nicolas a/k/a

Nicolas Alvear is not in military service.

The following facts support the statement above:

**1.** I have verified, via the Department of Defense Manpower Data Center, that the defendant is not in active military service. See attached status reports.

Date: March 27, 2024

Timothy A. Bowers, PA77980

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have, this 27th day of March 2024, served a true and correct copy of the foregoing document via the Middle District of Pennsylvania CM/ECF system upon the following:

Ryan P. Campbell, Esquire Dave W. Rothenberg, Esquire Counsel for Defendants.

Timothy A. Bowers, PA77980

This document has also been filed electronically and is available for viewing and downloading from the ECF system.



# Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-2442

Birth Date: Aug-XX-1988

Last Name: **ALVEAR GONZALEZ** 

First Name: **EDUARDO** 

Middle Name:

Status As Of: Mar-27-2024

Certificate ID: L31619FLCT8NYWX

On Active Duty On Active Duty Status Date					
Active Duty Start Date Active Duty End Date Status Service Component					
NA NA NO NA					
This response reflects the individuals' active duty status based on the Active Duty Status Date					

Left Active Duty Within 367 Days of Active Duty Status Date				
Active Duty Start Date Active Duty End Date Status Service Component				
NA NA NO NA				
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date				

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date				
Order Notification Start Date Order Notification End Date Status Service Component				
NA NA NO NA				
This response reflects whether the individual or his/her unit has received early notification to report for active duty				

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, Space Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Sam Yousefzadeh, Director Department of Defense - Manpower Data Center 4800 Mark Center Drive, Suite 04E25

Alexandria, VA 22350

#### Case 3:24-cv-00344-JFS Document 12-1 Filed 03/27/24 Page 5 of 9

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: https://scra.dmdc.osd.mil/scra/#/faqs. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

#### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.



## Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-2442 Birth Date: Aug-XX-1988

Last Name: **ALVEAR** First Name: **EDUARDO** 

Middle Name:

Status As Of: Mar-27-2024

Certificate ID: 6SNHXMLRR5QXV05

On Active Duty On Active Duty Status Date				
Active Duty Start Date Active Duty End Date Status Service Component				
NA	NA	No	NA	
This response reflects the individuals' active duty status based on the Active Duty Status Date				

Left Active Duty Within 367 Days of Active Duty Status Date				
Active Duty Start Date Active Duty End Date Status Service Component				
NA	NA	No	NA	
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Sam Yousefzadeh, Director

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Case 3:24-cv-00344-JFS Document 12-1 Filed 03/27/24 Page 7 of 9

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## Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-2442 Birth Date: Aug-XX-1988 **GONZALEZ** Last Name: First Name: **EDUARDO** 

Middle Name:

Status As Of: Mar-27-2024

Certificate ID: 7QDZQ3MB99N5YWT

On Active Duty On Active Duty Status Date				
Active Duty Start Date Active Duty End Date Status Service Component				
NA	NA	No	NA	
This response reflects the individuals' active duty status based on the Active Duty Status Date				

Left Active Duty Within 367 Days of Active Duty Status Date				
Active Duty Start Date Active Duty End Date Status Service Component				
NA	NA .	No	NA	
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